

Mr. Wolfe moved that the rules be waived and that the Senate take up Senate Bill No. 29 out of its regular order;

Which was agreed to by a two-thirds vote, and so ordered, and

Senate Bill No. 29:

A bill to be entitled an act to require railroad companies operating lines of railroad in the State to erect cattle guards and crossings in certain cases,

Was read the second time in full, together with the amendments offered by the Committee on Railroads;

Which were as follows:

In section 1, line 8, after the word "guard" insert the following "and a suitable crossing."

In line 10, section 1, after the word "plantation" strike out balance of section and insert the following "in actual cultivation, upon the application of five free holders living near said plantation, such points to be designated by said petitioners, provided that the name of said petitioners shall not appear on more than one petition."

Also,

Strike out section 2.

Also,

Change section 3 to 2 and 4 to 3.

Mr. Wolfe moved that the amendments of the committee be adopted;

Which was agreed to and the amendments to the bill were declared adopted, and the bill with the amendments was ordered engrossed for its third reading.

Mr. McLeran, at his own request, was excused until Monday.

The Senate thereupon, on motion of Mr. Wolfe, adjourned until 10 o'clock A. M. Monday, May 1, 1893.

MONDAY, MAY 1, 1893.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Baya, Blitch, Borden, Bristol, Broome, Calhoun, Farmer, Fleming, Genovar, Marks, McKay,

McKinne, McKinney, Morrow, Myers, Rosborough, Smith, St. Clair Abrams, Summers, Thomas, Weeks, Whidden, Williamson and Wolfe—25.

A quorum present.

Prayer by the Chaplain.

The Journal was approved.

Introduction of Bills.

By Mr. Wolfe:

Senate Bill No. 187:

A bill to be entitled an act to incorporate the Mercantile Phosphate Company, and to define its business and powers.

Mr. Wolfe moved that the rules be waived, and that the bill be read first time by its title;

Which was agreed to by a two-thirds vote,

Whereupon the bill was read the first time by its title and referred to the Committee on Corporations.

Reports of Committees.

Mr. Grady, Chairman of Committee on Commerce and Navigation, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., April 29, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Commerce and Navigation, to whom was referred—

House Bill No. 154:

Ask that the same be referred to Committee on Corporations.

Very respectfully,

J. E. GRADY,

Chairman of Committee.

Also the following:

SENATE CHAMBER,
TALLAHASSEE, FLA., April 29, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Commerce and Navigation, to whom was referred—

Senate Memorial or Resolution No. 23:

Relating to the harbor of Canaveral.

Recommend that the same do pass.

Also,

Senate Bill No. 166:

A bill to amend Section 936 of the Revised Statutes of the State of Florida.

And recommend that it also do pass.

Very respectfully,

J. E. GRADY,

Chairman Committee.

The bill was placed among the orders of the day on the calendar of bills on second reading.

Mr. Rosborough, Chairman of the Committee on Claims, made the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., April 29, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Claims, to whom was referred—

Senate Bill No. 79:

To be entitled an act for the relief of Martha W. Head.

Beg leave to report that they have had the same under consideration, and recommend its passage with the following amendment:

That one thousand (\$1,000) be substituted for fifteen hundred and fifty dollars, (\$1,550) whenever it occurs in the bill.

Very respectfully,

J. A. ROSBOROUGH,

Chairman of Committee.

The bill was placed among the orders of the day on the calendar of bills on second reading.

Mr. Reeves, Chairman Committee on Education, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., May 1, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Education, to whom was referred—

House Bill No. 70:

A bill to be entitled an act to amend Sections 280 and 281, and to repeal Section 284 of Revised Statutes of the State of Florida, relating to the Agricultural College.

Beg leave to report that they have examined the same, and recommend that it do pass.

Very respectfully,

L. J. REEVES,

J. W. WHIDDEN,

A. W. MCLEERAN,

JAS. E. BROOME,

Committee.

The bill was placed among the orders of the day on the calendar of bills on the second reading.

Mr. Wolfe, Chairman of Committee on Engrossed Bills, submitted the following report:

SENATE CHAMBER,
TALLAHASSEE, FLA., May 1, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 90:

Entitled an act to prohibit manufacturers in the State of Florida from the wrongful use of the name of the city in which such articles are manufactured.

Also,

Senate Bill No. 29:

Entitled an act to require railroad companies in the State to erect cattle guards and crossings on their lines of railroads in certain cases.

Also,

Senate Bill No. 116:

Entitled an act to authorize the clerks of the Circuit

Courts to record and index the judgments and decrees of the courts of the United States.

Beg leave to report that they have carefully examined same and find them correctly engrossed.

Very respectfully,

J. EMMET WOLFE,

Chairman Committee on Engrossed Bills.

The bills were placed in their order on the calendar of bills on their third reading.

Messages from the Governor.

A message was received from the Governor stating his objections to—

An act entitled an act to authorize the appointment of acting County Solicitors of Criminal Courts of Record in the various counties of the State of Florida, whenever there shall be a vacancy in the office of County Solicitor, or in the absence from the county of the Solicitor, or his inability to perform the duties of his office,

As follows:

STATE OF FLORIDA, EXECUTIVE DEPARTMENT, }
TALLAHASSEE, April 29, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—I herewith return, without my approval, the accompanying Senate bill, entitled "An act to authorize the appointment of acting County Solicitors of the Criminal Courts of Record in the various counties of the State of Florida, whenever there shall be a vacancy in the office of County Solicitor, or in the absence from the county of the Solicitor, or his inability to perform the duties of his office."

My approval of this bill is not withheld because I am opposed to the object of the same, but simply because I am of the opinion that the defect in the law sought to be remedied is not overcome by the provisions of the bill.

No provision is made for the compensation of acting Solicitors of the County Criminal Courts of Record, and for this reason the bill, if approved, could have no effect.

Very respectfully,

HENRY L. MITCHELL,

Governor.

The President put the question: "Shall the bill pass, the Governor's objections thereto to the contrary notwithstanding?"

Thereupon the roll was called and the vote stood:

Yeas—None.

Nays—Messrs. Baya, Blitch, Borden, Bristol, Broome, Browne, Cahoun, Farmer, Fleming, Genovar, Marks, McKay, McKinne, McKinney, Morrow, Myers, Reeves, Rosborough, Smith, Summers, Thomas, Weeks, Whidden, Williamson and Wolfe—25.

So the veto of the Governor was sustained.

Also the following message from the Governor was read:

STATE OF FLORIDA, EXECUTIVE DEPARTMENT, }
TALLAHASSEE, April 29, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—I have the honor to inform you that I have signed the following:

An act to declare the first Monday in September of each year "Labor Day," and a legal holiday.

An act to continue the rights, privileges and grants of the Silver Springs, Ocala and Gulf Railroad Company.

And I have this day filed the same with the Secretary of State.

I have the honor to be very respectfully,

HENRY L. MITCHELL,

Governor.

Mr. McKinne, Chairman of Committee on Railroads, submitted the following report:

SENATE CHAMBER, }
TALLAHASSEE, FLA., May 1, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Railroads, to whom was referred—

Senate Bill No. 160:

An act entitled to pay cash prior to appeal in stock killing cases when railroad is not fenced.

Beg leave to report that they have considered same, and recommend that it do pass, with the following amendment:

Amend title so as to read "A bill to be entitled."

Very respectfully,

J. H. McKINNE,

Chairman Committee on Railroads.

And the bill was placed in its order on the calendar of bills on their second reading.

Mr. McKay asked leave to withdraw Senate Bill No. 100; Which was agreed to, and the Secretary ordered to return the bill.

By permission Mr. Marks introduced

Senate Bill No. 188:

To be entitled an act to raise a fund to have the resources of the State of Florida properly exhibited at the Columbian Exposition, and for the proper expenditure of said fund.

Mr. Marks moved that the rules be waived, and that Senate Bill No. 188 be read the first time by its title.

Mr. Marks moved that the rules be further waived, and that Senate Bill No. 188 be read a second time.

Mr. McKinne moved that the motion be laid on the table; Which was not agreed to on a division of the Senate.

The question recurred on the motion of Mr. Marks to waive the rules and read Senate Bill No. 188 a second time;

Which was agreed to by a two-thirds vote, and

Senate Bill No. 188:

A bill to be entitled an act to raise a fund to have the resources of the State of Florida properly exhibited at the Columbian Exposition and for the proper expenditure of said fund,

Was read the second time in full.

Mr. Marks moved that the rules be further waived, and that the bill be read the third time and put upon its passage.

Mr. McKinne moved to indefinitely postpone the bill.

Mr. Williamson moved to lay the motion to indefinitely postpone on the table;

Which was agreed to on a division of the Senate.

The motion to further suspend the rules and read Senate Bill No. 188 a third time was not agreed to, and it was placed on calendar of bills on third reading.

Consideration of Bills on Second Reading.

Senate Bill No. 124:

To be entitled an act prescribing the punishment for receiving, removing or otherwise disposing of personal property upon which a lien exists,

Was read the second time in full.

Pending consideration of Senate Bill No. 124,

Mr. Browne, by permission, introduced—

Senate Bill No. 189:

A bill to be entitled an act to grant lands to the Jacksonville, St. Augustine and Indian River Railway Company.

Mr. Browne moved that the rule be waived and that Senate Bill No. 189 be read a first time by its title;

Which was agreed to by a two-thirds vote,

Whereupon the bill was read the first time by its title and referred to the Committee on Railroads.

Pending consideration of Senate Bill No. 124,

A message from the House of Representatives was received.

The regular order of business was then resumed, which was consideration of Senate Bill No. 124.

Senate Bill No. 124:

To be entitled an act prescribing the punishment for receiving, removing or otherwise disposing of personal property upon which a lien exists,

Was ordered engrossed for a third reading.

Mr. McKay moved that the time for the consideration of Senate Bill No. 162, which had been made the special order for to-morrow afternoon at 4 o'clock, be changed to 12 o'clock of same day.

Pending which a message was received from the House of Representatives.

Special Order of the Day.

The hour of 11 o'clock having arrived, the President announced that the Senate would proceed to the consideration of Senate Bill No. 10, which was the special order of the day.

Whereupon,

Senate Bill No. 10:

A bill to be entitled an act to provide for the regulation of

railroad schedule, freight and passenger tariffs and location and building of passenger and freight depots in this State; to prevent unjust discrimination in the rates charged for the transportation of passengers and freight, and to prohibit railroad companies, corporations and lessees in this State from charging other than just and reasonable rates and to punish the same, and to prescribe a rule of procedure and rules of evidence in relation thereto; to appoint commissioners and to prescribe their acts and powers,

Was read the second time in full.

Mr. Williamson moved that further consideration of Senate Bill No. 10 be postponed until 12 o'clock;

Which was agreed to.

By permission Mr. Bristol introduced

Senate Bill No. 190:

A bill to be entitled an act to provide for the appointment by county solicitors and assistant county solicitors in certain cases.

Mr. Myers moved that the rule be waived and that Senate Bill No. 190 be read the first time by its title;

Which was agreed to by a two-thirds vote, and Senate Bill No. 190 was read the first time by its title.

On motion of Senator Myers the rules were further waived and Senate Bill No. 190 was placed on the calendar with bills on second reading.

Mr. Summers moved that

Senate Bill No. 132:

A bill to be entitled an act to require certain corporations to give to their discharged agents or employes, the cause of their removal or discharge, when discharged or removed,

Be taken up out of its regular order;

Which was agreed to by a two-thirds vote, and

Senate Bill No. 132:

A bill to be entitled an act to require certain corporations to give to their discharged agents or employes, the cause of their removal or discharge, when discharged or removed,

Was read the third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Blitch, Borden, Bristol, Broome, Calhoun, Farmer, Fleming, Genovar, Marks, McKay, McKinne, McKinney, Morrow, Reeves, Rosborough, Smith, Summers, Thomas, Weeks, Williamson, Wolfe—21.

Nays—None.

So the bill passed, title as stated.

Mr. Summers moved that the rules be further waived, and that the bill be immediately certified to the House of Representatives;

Which was agreed to by a two-thirds vote, and so ordered.

Mr. Morrow moved that the rules be waived, and that Senate Bill No. 105:

A bill to be entitled an act to legalize the incorporation of the town of Melbourne,

Be taken up out of its regular order;

Which was agreed to by a two-thirds vote, and

Senate Bill No. 105:

A bill to be entitled an act to legalize the incorporation of the town of Melbourne,

Was read the second time in full.

Mr. Morrow moved that the rules be further waived and that Senate Bill No. 105 be read the third time;

Which was agreed to by a two-thirds vote, and

Senate Bill No. 105:

To be entitled an act to legalize the incorporation of the town of Melbourne,

Was read the third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Blitch, Borden, Bristol, Broome, Calhoun, Farmer, Fleming, Genovar, McKay, McKinne, McKinney, Morrow, Myers, Reeves, Rosborough, Smith, Summers, Thomas, Weeks, Williamson and Wolfe—22.

Nays—None.

So the bill passed, title as stated,

Mr. Morrow moved that the rules be further waived, and that the bill be immediately certified to the House of Representatives;

Which was agreed to by a two-thirds vote, and so ordered.

By permission, Mr. Myers, Chairman of Committee on Judiciary, submitted the following report:

SENATE CHAMBER, }
TALLAHASSEE, FLA., May 1, 1893. }

HON. W. H. REYNOLDS,

President of the Senate:

SIR—Your Committee on Judiciary, to whom was referred—

Senate Bill No. 184:

A bill to be entitled an act to declare the 26th day of April of each and every year a legal holiday.

Beg leave to report that they have examined the same, and recommend that it do pass.

Very respectfully,

FRED. T. MYERS,

Chairman of Committee.

Mr. St. Clair Abrams moved that the rules be waived, and that

Senate Bill No. 184:

To be entitled an act to declare the 26th day of April of each and every year a legal holiday,

Be read a second time;

Which was agreed to by a two-thirds vote, and Senate Bill No. 184, title as stated, was read a second time in full.

Mr. St. Clair Abrams moved that the rule be further waived and that

Senate Bill No. 184:

To be entitled an act to declare the 26th day of April of each and every year a legal holiday,

Be read a third time and put upon its passage;

Which was agreed to by a two-thirds vote, and Senate Bill No. 184 was read the third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Blitch, Borden, Bristol, Broome, Browne, Calhoun, Farmer, Fleming, Genovar, Marks, McKay, McKinne, McKinney, Morrow, Myers, Reeves, Rosborough, Smith, St. Clair Abrams, Thomas, Weeks, Williamson and Wolfe—24.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Mr. McKinne moved that

Senate Bill No. 125:

A bill to be entitled an act to enlarge the liens and remedies of landlords against their tenants,

Be taken up out of its order and considered;

Which was agreed to, and Senate Bill No. 125, title as stated, was read the second time in full, together with the amendments offered by the Committee on Judiciary, to wit:

In section 1 after the words "that whenever any tenant," insert the words "on any farm or plantation."

Add to the title "on farms or plantations."

Mr. McKinne moved that the amendments of the committee be adopted;

Which was agreed to.

Mr. Borden moved that the bill remain on its second reading, and that 100 copies be ordered printed;

Which was agreed to.

Mr. Weeks moved that the rules be waived, and that

Senate Bill No. 54:

A bill to be entitled an act to repeal Chapter 4, Title 2, Division 1 of the Revised Statutes of Florida, relating to appointment of medical examiners, and to the practice of medicine in the State of Florida,

Be read a third time and placed upon its passage;

Which was agreed to.

Pending which Mr. Williamson called up Senate Bill No. 10, the regular order.

Mr. Williamson offered the following amendments to Senate Bill No. 10:

After the words "fruit growers" in the fourth line of section 1, insert: "they shall hold office until the first Tuesday after the first Monday in January, 1895, and until their successors are elected and qualified. At the general election for State officers in 1894, the three commissioners shall be elected by the qualified voters in this State."

On the fourth line of Section 1, strike out the word "appointment" after the words "at first," and insert the word "election;" and on the same line strike out the word "appointed" after the words "shall be," and insert the word "elected."

On line 5 of Section 1, after the words "for two years each," add the words "the term of the commissioner to be elected for four years shall be designated by the electors at the general election in 1894, and the other two shall be designated for two years each."

On line 6 of Section 1, strike out the word "appointed" wherever it appears in said line, and insert the word "elected."

On line 13 of Section 1, after the word "appointed," insert the words "and elected."

In line 10 of section 1, after the words "to the," strike out

the words "next legislature," and insert the words "to the Senate of the State of Florida at the first session after each suspension."

Strike out from lines 10 and 11 of section 1, "and if a majority of each of its branches shall declare that said commissioner shall be removed from office, his term of office shall expire," and insert instead the following words: "If the Senate shall, upon the recommendation of the Governor, consent to the removal of the suspended commissioner, his term of office shall expire. If the Senate shall refuse to remove, or fail to take action before its adjournment, the commissioner suspended shall resume the duties of his office."

Mr. St. Clair Abrams moved the adoption of the amendments;

Which was agreed to, and the amendments were adopted.

Mr. Williamson offered the following amendment:

In Section 3, line 9, after the word "upon," strike out "conviction" and insert "proof."

Mr. Williamson moved its adoption, and the amendment was adopted.

Mr. Williamson offered the following amendment:

In section 4, line 7, after the word "upon," strike out "conviction," and insert "proof."

Mr. St. Clair Abrams moved its adoption;

Which was agreed to, and the amendment was adopted.

Mr. Williamson offered the following amendment:

In section 2 line 4, by striking out the words "at the capital of the State" and insert the words, "in the city of Jacksonville."

Amend the fourth line of section 2 by striking out the words "such expenses shall not exceed fifteen hundred," and insert in lieu thereof the words "the total expenses of the commissioner including office rent shall not exceed two thousand."

Mr. Williamson moved its adoption;

Which was agreed to, and the amendment was adopted.

Mr. St. Clair Abrams offered the following amendment:

Add to section 5, line 23, after the words "actual rates charged," the words, "Provided, that the said commissioners shall have the power to create rating points at places, when competing lines of railroad meet, and to break the

continuity of rates to and from such points, so as to maintain competition between rival lines;"

Which was adopted.

Mr. Broome offered the following amendment:

In Section 1, line 3, after the word "former" strike out "and" and insert "or."

Also, in Section 5, line 9, between the words "to" and "any" insert the words "and from."

Mr. Broome moved its adoption;

Which was agreed to, and the amendment was adopted.

Mr. Myers offered the following amendment:

In Section 6, line 8, strike out the word "sufficient" and insert "prima facie."

Mr. Myers moved its adoption;

Which was agreed to, and the amendment was adopted.

Mr. Myers offered the following amendment:

In section 15, line 4, strike out all after the word "attendance," and in line 5 strike out all of said line except the last word, and insert the words "the same compensation as is allowed State witnesses in other cases."

Mr. Myers moved its adoption;

Which was agreed to, and the amendment was adopted.

Mr. Williamson offered the following amendment:

Amend the title to the act by striking out from the fourth line of said title the words "and lessees," and inserting the words "persons and all common carriers."

Mr. Williamson moved its adoption;

Which was agreed to, and the amendment was adopted.

Senate Bill No. 10, as amended, was ordered engrossed for a third reading.

By permission, Mr. Reeves introduced

Senate Bill No. 191:

A bill to be entitled an act making navigable Bruce creek, in Walton county.

Mr. Reeves moved that the rule be waived and that the bill be read the first time by its title;

Which was agreed to by a two-thirds vote,

Whereupon the bill was read the first time by its title and referred to the Committee on Commerce and Navigation.

Mr. Wolfe moved that the rules be waived and that Senate Bill No. 31:

A bill to be entitled an act to dispense with seals and scrawls upon instruments of writing, and to validate instruments heretofore made without them,

Be taken up out of its order;

Which was agreed to by a two-thirds vote, and Senate Bill No. 31, title as stated, was read a second time in full.

Mr. Wolfe offered the following amendment:

Add as an additional section:

"Sec. 3. Nothing in this act shall be construed to obviate the necessity for seals to corporate, official, or public acts or instruments, to which without the act seals would be required."

Change section 3 to section 4.

Mr. Wolfe moved its adoption;

Which was agreed to, and the amendment was adopted.

The bill as amended was ordered engrossed for a third reading.

The Senate resumed consideration of Senate Bill No. 54.

Mr. Summers moved that the further consideration of the bill be indefinitely postponed;

Upon which the yeas and nays being called for the vote stood:

Yeas—Messrs. Blitch, Bristol, Browne, Calhoun, Farmer, Fleming, Genovar, Marks, McKinney, Morrow, Myers, Reeves, Rosborough, St. Clair Abrams, Summers—15.

Nays—Messrs. Borden, Smith, Weeks—3.

So the bill was indefinitely postponed.

Mr. Marks moved that the rules be waived, and that Senate Bill No. 67:

A bill to be entitled an act limiting the obligation of contracts and deeds secured by mortgage,

Be taken up out of its regular order;

Which was agreed to by a two-thirds vote.

Whereupon Senate Bill No. 67, title as stated—

Pending the reading of which Mr. Marks requested that Senate Bill No. 67 lay on the table subject to call;

Which was agreed to and so ordered.

Mr. Myers moved that the rules be waived, and that House Bill No. 45:

A bill to be entitled an act to prescribe the manner of payment of jurors and witnesses to be paid in this State,

Be taken up out of its order for consideration;

Which was agreed to by a two-thirds vote;

And House Bill No. 45, title as stated,

Was read the third time and put upon its passage.

Upon its passage the vote was:

Yeas—Messrs. Baya, Blitch, Borden, Bristol, Broome, Browne, Calhoun, Farmer, Fleming, Genovar, Marks, McKinne, McKinney, Morrow, Myers, Reeves, Rosborough, Smith, St. Clair Abrams, Summers, Weeks, Williamson, Wolfe—23.

Nays—None.

So the bill passed, title as stated, and was ordered certified to the House of Representatives.

Mr. Reeves moved that the rules be waived, and that House Bill No. 70:

To be entitled an act to amend Sections 280 and 281 and to repeal Section 284 of the Revised Statutes of Florida, relating to the Agricultural College,

Be taken up out of its regular order for consideration;

Which was agreed to by a two-thirds vote.

Whereupon House Bill No. 70, title as stated, was read a second time.

Mr. Summers moved that the bill remain on second reading, and that 100 copies be printed.

Pending which, on motion of Mr. Calhoun, the Senate adjourned until 10 o'clock A. M. Tuesday, May 2, 1893.

TUESDAY, MAY 2, 1893.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Messrs. Baya, Blitch, Borden, Bristol, Broome, Browne, Calhoun, Farmer, Fleming, Genovar, Marks, McKay, McKinne, McKinney, McLeran, Morrow,